

EXHIBIT B

PRIVACY & RECORDS MANAGEMENT OFFICE



September 17, 2021

Via Email: paul.overberg@wsj.com

Paul Overberg
Wall Street Journal
1025 Connecticut Ave NW, Suite 800
Washington, DC 20036

RE: FOIA Case No. 2021-FPRO-03224

Dear Mr. Overberg:

This responds to your Freedom of Information Act (FOIA) requests dated September 15, 2021 in which you seek access to Postal Service county-level change-of-address (COA) records between January and June 2021, including origin/destination data.

There is a longstanding practice of limiting the data reported for COA orders. During Hurricane Katrina, a policy was established that prohibits disclosure of COA volume where the count is less than ten (10). The purpose of this policy was to minimize the ability of a data recipient to identify where any specific individual(s) may have moved from or to, which would be a violation of our responsibility to safeguard the privacy interests of customers submitting COA orders.

Please note that some of the records you have requested are records that the Postal Service has recently decided to make available for public inspection in accordance with the FOIA, 5 U.S.C. § 552(a)(2). The records you have requested consist of:

- ✚ Records that have been released to previous FOIA requesters and that the Postal Service has determined have become or are likely to become the subject of subsequent requests for substantially the same records; and
- ✚ Records that have been released to previous FOIA requesters and that have been requested three (3) or more times

Because the Postal Service has made these records publicly available in its public and/or electronic reading rooms, we will not process these records in response to your FOIA request made under 5 U.S.C. § 552(a)(3). Instead, please note that the records that you seek are available on our website under the *FOIA Library – Change of Address Stats*. Given the highly sought data of COA records, requests will no longer be processed under the FOIA as the information is available to the general public. It is available as an Excel spreadsheet which allows ease of customization by each individual data seeker after download. Any and all COA data to be released is available at the below-referenced FOIA Library website, which will be updated on a monthly basis:

<https://about.usps.com/who/legal/foia/welcome.htm>.

You may now obtain county level information by purchasing the Postal Service's *City State Product* or from another source. For more information regarding our *City State Product*, please contact the National Customer Support Center at 1-800-238-3150 as this information is no longer being processed under the FOIA.

In regard to the remaining portion of your request pertaining to origin/destination data, based on your description of records sought, it has been determined that this portion of the records you seek are now exempt from disclosure under FOIA Exemption 3, 39 U.S.C. §410(c)(2).

Exemption 3 allows an agency to withhold information that is "specifically exempted from disclosure by statute." 5 U.S.C. § 552(b)(3). Section 410(c)(2) of the Postal Reorganization Act qualifies as an Exemption 3 statute. 39 U.S.C. § 410(c)(2). Section 410(c)(2) permits the Postal Service to withhold "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed." 39 U.S.C. §410(c)(2). Information of a commercial nature under Section 410(c)(2) is broadly defined to include all information that "relates to commerce, trade, profit, or the Postal Service's ability to conduct itself in a businesslike manner." 39 C.F.R. § 265.14(b)(3). In determining whether particular information is commercial in nature, the Postal Service considers six (6) factors relating to whether the information is more akin to its role as a business entity, a competitor in the market or a provider of basic public services. See 39 C.F.R. § 265.14(b)(3)(i).

Here, we find that the records you requested qualify as "information of a commercial nature" under Section 410(c)(2) because it is related to COA counts by origin and destination which is information that is now, at the moment, currently under development for a commercial product. Requests for COA data that seek the originating and destination location, at any level, is no longer releasable under the FOIA. Accordingly, this information is exempt from disclosure under Exemption 3 of the FOIA and Section 410(c)(2).

If you are not satisfied with the response to this request, you may file an administrative appeal within ninety (90) days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at FOIAAppeal@usps.gov. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

PRIVACY & RECORDS OFFICE
US POSTAL SERVICE
475 L'ENFANT PLAZA SW RM 1P830
WASHINGTON DC 20260-1101
Phone: (202) 268-2608
Fax: (202) 268-5353
FOIA Public Liaison: Nancy Chavannes-Battle

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in blue ink that reads "Tai Thompson". The signature is written in a cursive, flowing style.

Tai Thompson
Government Information Specialist